

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference VS 2241.1PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/010368	International filing date (<i>day/month/year</i>) 16.09.2004	Priority date (<i>day/month/year</i>) 16.10.2003
International Patent Classification (IPC) or national classification and IPC B65H63/06, D01 H13/22, D02G1/16, G01 B11/10, G01 N21/89, G01 N33/36		
Applicant SAURER GMBH & CO. KG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>2</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/010368

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 2-5 as originally filed/furnished
- pages* 1, 1a received by this Authority on 15.03.2005 with letter of 11.03.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-9 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/010368

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-9</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-9</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-9</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	<p>Prior art</p> <p>This report makes reference to the following documents:</p> <p>D1: DE 100 26 389 A1</p> <p>D2: US-A-3 303 698</p> <p>D3: JP 02 221427 A</p> <p>D4: JP 06 128821 A</p>		
2.	<p>Technical field</p> <p>The invention relates to a method of measuring the diameter and length of effects on yarn.</p>		
3.	<p>Novelty and inventive step (PCT Article 33(1) to (3))</p> <p>1. The subject matter of claims 1 to 9 is novel and involves an inventive step for the following reasons:</p> <p>2. D1 is considered to be the closest prior art. D1 describes that the beginning and the end of an effect are defined by the fulfillment of a first and second diameter criterion. The effect length is determined from this beginning and end. A</p>		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>diameter average is formed using the values in the effect region.</p> <p>3. The method according to claim 1 differs from D1 in that, between the beginning and end, a definable number of widest diameters is determined and in that the average value of these determined widest diameters is formed. This average value defines the diameter of the effect.</p> <p>4. This method solves the problem of measuring the effect diameter irrespective of natural diameter fluctuations in the effect region.</p> <p>5. Such a method of measuring effect diameters is neither known nor obvious from any of the available documents (D1-D4). Although D1 mentions that the numbers of maxima and minima in certain sections of the diameter signal are used, this is only for the purpose of making a comparison with pattern signals possible. D1 does not mention the use of these maxima and minima for forming an average value.</p> <p>6. Claims 2 to 9 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.</p> <p>4. Industrial applicability (PCT Article 33(1) and (4))</p> <p>The present invention is clearly industrially applicable.</p>